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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

PHARMACEUTICAL RESEARCH AND  
MANUFACTURERS OF AMERICA and

BIOTECHNOLOGY INNOVATION  
ORGANIZATION,

Plaintiffs,

vs.

BRIAN SANDOVAL, in his official capacity  
as Governor of the State of Nevada,

RICHARD WHITLEY, in his official  
capacity as Director of the Nevada  
Department for Health and Human  
Services, and

NEVADA LEGISLATURE,

Defendants.

Case No.: 2:17-cv-02315-JCM-CWH

**STIPULATION AND (PROPOSED)  
ORDER TO STAY DISCOVERY**

**(First Request)**

On September 1, 2017, a Complaint for Declaratory and Injunctive Relief was filed by Plaintiffs Pharmaceutical Research and Manufacturers of America and Biotechnology Innovation Organization ("PhRMA and BIO"). (ECF no. 1). On October 4, 2017, defendants Brian Sandoval and Richard Whitley ("the State Defendants") filed their Answer. (ECF no. 44). On October 5, 2017, Defendant Nevada Legislature ("Legislature") filed its Answer. (ECF no. 45). On that same day, Legislature filed its Motion for Summary Judgment ("Motion"). (ECF no. 46). On October 26, 2017, PhRMA and BIO opposed the Legislature's Motion (ECF no. 65) and filed a Countermotion for Summary Judgment ("Countermotion"). (ECF no. 66).

If granted, either the Motion or Countermotion would be case concluding. All parties intend to fully brief the Motion and Countermotion. There currently exists no scheduled hearing on the Motion or Countermotion, but the parties have requested an oral hearing. Until the Court decides the Motion and Countermotion, the parties wish to stay discovery, including the conference, discovery plan, and report required by Rule 26(f) of the Federal Rules of Civil Procedure ("FRCP") and Rule 26-1 of the Local Rules of Practice for the United States District Court for the District of Nevada ("LR"), and the initial disclosures required by FRCP 26(a). As of the date of this Stipulation, the parties have not completed any discovery, nor are there any outstanding discovery requests.

Good cause exists to stay discovery in this action because (a) the Motion and Countermotion raise potentially dispositive issues for the above-captioned case and present purely legal issues; (b) staying discovery until the Court decides the Motion and Countermotion will prevent the parties from expending litigation resources; (c) all named parties join in this request; (d) a stay encourages judicial economy by ensuring the Court does not have to resolve discovery disputes between the parties before ruling on the potentially dispositive Motion and Countermotion; and (e) there are no existing counterclaims and/or cross-claims at this time that require additional factual discovery.

**NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and among the parties, pursuant to FRCP 26 and LR IA 6-2, LR 7-1 and 26-4, that

discovery shall be stayed in this case until such time as the Court can rule on the Motion and Countermotion;

**IT IS FURTHER STIPULATED AND AGREED THAT**, in the event the Court denies either the Motion or Countermotion, and further proceedings are required, the parties shall conduct the conference required by FRCP 26(f) (the "Rule 26(f) Conference") by no later than thirty (30) days after the Court issues its written decision on the Motion and Countermotion, and will submit the discovery plan and scheduling order required by FRCP 26(f) and LR 26-1(d) by no later than fourteen (14) days after the Rule 26(f) Conference; and

**IT IS FURTHER STIPULATED AND AGREED** that the parties execute this Stipulation in good faith and not for the purposes of delay, and they do not intend to

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waive any substantive or procedural right. The parties have not previously requested any extensions of the discovery deadlines.

DATED this 3<sup>rd</sup> day of November 2017.

MCDONALD CARANO LLP

NEVADA LEGISLATIVE COUNSEL BUREAU  
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**IT IS SO ORDERED:**

  
UNITED STATES MAGISTRATE JUDGE

DATED: November 7, 2017